Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 1-4. These sheets, which include Figures 1-4, replace the original sheets including Figures 1-4.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Claim 1 has been amended to further clarify that the listener as a <u>programming</u> interface provided as a part of an application programming interface (see, for example, page 13, lines 25-30). In addition, claims 19-21 are presented in a form which is believed to be more preferred by the Examiner.

The paragraph on page 3, line 23 of the specification has been amended to correct a typographical error.

Replacement sheets for figures 1-4 are hereby submitted herewith. The replacement sheets provide a description for the numericals as believed to be preferred by the Examiner

In the Office Action, the Examiner has rejected claims 1, 4-13 under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,317,885 (*Fries*) in view of US Patent No. 5,991,520 (*Smyers et al.*)

The Examiner has noted that *Fries* does NOT disclose an application program using an application programming interface to initiate a listener for a selected portion of synchronized data (Office Action, page 6). Accordingly, it is respectfully submitted that *Fries* cannot possibly teach: "a listener that determines whether the selected portion of synchronized data is available for access and notifies the application program that the selected portion of synchronized data can be accessed via a point of access which can be linked to the listener when the listener determines that the selected portion of synchronized data is available and can be accessed" (claim 1). Thus, the Examiner's rejection is improper and should be withdrawn.

Furthermore, contrary to the Examiner's assertion (Office Action, Page 6), it is respectfully submitted that *Smyers et al.* does NOT teach an application program that uses an application program interface for a selected portion of synchronized data transmitted by a broadcaster. It is noted that *Smyers et al.* states that: "an API (20) maintains a buffer descriptor for each buffer within a linked list and manages the flow of the isochronous data between the application, the assigned buffers and the bus structure (28)" (*Smyers et al.*, Col. 6, lines 15-35). However, it is respectfully submitted that the buffer descriptors of *Smyers et al* do NOT teach or suggest a listener interface provided as an application programming interface, wherein the listener determines

whether the selected portion of synchronized data transmitted by a broadcaster is available for access.

Still further, it is respectfully submitted that neither *Fries* nor *Smyers et al.* teach or suggest notifying the application program that a selected portion of synchronized data can be accessed at a point of access which is linked to the listener when the listener determines that the selected portion of synchronized data is available (claim 1).

Finally, it is respectfully submitted that the Examiner has not established a prima facie case of obviousness because the Examiner has not shown a motivation or suggestion in the cited references themselves for combining them. Clearly, the mere assertion that the resulting combination may "improve efficiency of the systems" in itself does NOT show a motivation or suggestion for combining the cited references in the first place.

Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. SUN1P506). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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